

### **APPENDIX LIC-3**

**From:** Hughes, Tom <[Tom.Hughes@reading.gov.uk](mailto:Tom.Hughes@reading.gov.uk)>  
**Sent:** 06 August 2020 10:58  
**To:** Smalley, Robert <[Robert.Smalley@reading.gov.uk](mailto:Robert.Smalley@reading.gov.uk)>  
**Cc:** Bedford, Susanna <[Susanna.Bedford@reading.gov.uk](mailto:Susanna.Bedford@reading.gov.uk)>  
**Subject:** Phantom Brewing Co – Unit 3-5 Meadow Road

Hi Robert,

Please see below Planning's consultation response to the extended opening hours at Phantom.

#### **Phantom Brewing Co - Unit 3-5 Meadow Road**

A Lawful Development Certificate was granted under 190744/CLP for the use of part of the site as a taproom, ancillary to the principal use as a brewery. A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the Local Planning Authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. However, the certificate will not protect from enforcement action by the Local Planning Authority if the specified use or development is then changed 'materially' without a planning application for it. The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant.

The certificate was granted only on the basis of whether the taproom would constitute an ancillary use. In determining the extent of the ancillary use, matters including the amount of floorspace attributed, opening times and predicted turnover were considered. The applicant provided various evidence to confirm the ancillary nature of the taproom including:

- The taproom would take up no greater than 12% of the total floor area of the brewery
- Opening times of the taproom would not exceed 22 hours per week, and only between the hours of 5-8pm on Wednesdays and Thursday, 3-10pm on Fridays and 1-10pm on Saturdays
- The predicted turnover of sales from the taproom would be no greater than 15% of total brewery sales - the taproom sales themselves would not therefore represent a viable business

Based on the information supplied with the application, it was accepted that the proposed taproom use would be ancillary to the operation of the brewery and therefore, in accordance with Section 55 (2.f) of the Town and Country Planning Act 1900, would be a lawful use as part of the existing B2 use. The Lawful Development Certificate was granted to this effect.

The brewery is now seeking extended hours of opening, up to 37 hours per week including on Sundays. Officers consider that such an increase in opening hours would constitute a material change in the use of the site. It is questioned whether the taproom would remain an ancillary use on this basis. The change of use of the

site would require planning permission, from a brewery (with an ancillary taproom use) (Class B2) to a mixed taproom and brewery (Sui Generis).

As above, the wider planning merits of the taproom were not relevant to the Lawful Development Certificate application. Accordingly, there was no consideration of the impact of the use on neighbouring residential amenity. The closest existing residential dwellings are located approximately 90m east of the site on Addison Road. Of greater significance, the residential development of the former Cox & Wyman site, directly opposite Phantom Brewery, for 96 dwellings is currently being built out.

Officers therefore object to the extended hours of opening of the taproom on the basis of unlawful change of use of the site. An application for Full Planning Permission would be welcomed, so that implications of extended taproom hours of opening can be considered fully, particularly with regard to the impact on neighbouring residential amenity.

Regards,

Tom Hughes

Planning Officer

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